

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

PETER GERACE,

00-CR-09-(01)S

Defendant.

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STATE OF NEW YORK )  
COUNTY OF ERIE ) ss:  
CITY OF BUFFALO )

**AFFIDAVIT IN OPPOSITION**  
**TO THE DEFENDANT'S**  
**MOTION FOR A DOWNWARD DEPARTURE**

**ANTHONY M. BRUCE**, Assistant United States Attorney, Western  
District of New York, being first duly sworn, states as follows:

1. I am the Assistant United States Attorney assigned to the  
file in this case and I am therefore familiar with all the facts  
and circumstances of the case, including the facts alleged by  
defendant's counsel in his downward departure motion of June 15,  
2006.

**PHARAOH'S GENTLEMAN'S CLUB**

2. In the defendant's motion he asserts, in sum and substance, that he is the one person necessary to Pharaoh's continued success because the defendant handles Pharaoh's books and manages the club in the evening where he supervises over 100 employees.

3. Upon receipt of the defendant's motion, I contacted United States Probation Officer David W. Ball who told me, in sum and substance, that he interviewed the defendant on December 15, 2005, and in that interview, insofar as it related to Pharaoh's, the defendant told him:

- a. His father, Peter Gerace, was a part owner of Pharaoh's;
- b. That he (the defendant) did not work at Pharaoh's; and
- c. That he (the defendant) went to Pharaoh's only on occasion to "help out".

**PIETRO'S RESTAURANT**

In that same interview, insofar as it related to Pietro's Restaurant, the defendant told him:

- a. His mother owns Pietro's;

b. He occasionally came to Pietro's on Mondays for a couple of hours and helped out with the bookkeeping by working on the computer and doing sales tax figures; and

c. He is not compensated for the services he provides.

Mr. Ball also interviewed the defendant's mother on January 20, 2006, and she told him:

a. The defendant was not employed by Pietro's; and

b. The defendant pops in every once in awhile to help, and when he does, he goes through some of the bills and balances the checkbook.

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s/ANTHONY M. BRUCE  
Assistant United States Attorney  
United States Attorney's Office  
Western District of New York  
138 Delaware Avenue  
Buffalo, New York 14202  
(716) 843-5700, ext. 886  
Anthony.M.Bruce@usdoj.gov

Sworn to before me this  
20th day of June, 2006.

s/Karen S. Barone  
COMMISSIONER OF DEEDS  
In And For The City Of Buffalo, N.Y.  
My Commission Expires Dec. 31, 2006.

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TO: Paul J. Cambria, Jr., Esq.

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00-CR-09-S (01)

CERTIFICATE OF SERVICE

I hereby certify that on June 20, 2006, I electronically filed the foregoing **AFFIDAVIT IN OPPOSITION TO THE DEFENDANT'S MOTION FOR A DOWNWARD DEPARTURE** with the Clerk of the District Court using its CM/ECF system, which would then electronically notify the following CM/ECF participant on this case:

Paul J. Cambria, Jr., Esq.  
42 Delaware Avenue, Suite 300  
Buffalo, New York 14202

s/KAREN S. BARONE